

Section 1

Application
Log/Status Summary
Checklist
Governor's letter

PRIVACY APPLICATION CHECKLIST

(State) MICHIGAN

Date Appl. Rec'd. 11 JULY 77
 Date to WSB 11 JULY 77
 Date Assigned 11 JULY 77
 Date Review Started 11 JULY 77
 Reviewer(s) NANCY MANLEY

(Check One)

X Preapplication
 Application
 Amendment; Date of Appl. _____

I. TIMETABLE

90-day Schedule (Complete when Logged)		Sent	Complete	(Check One and Make Entries as Appropriate)
1	11 JULY 77	X	11 JULY	A. Logged and File Established
3	13 JULY	X	13 JULY	B. WSB Review (R.P.1.2.1)
3-13	13 JULY	19 JULY	X	C. Division Comments (R.D.1.2.1)
	23 JULY	X	28 JULY	1. Enforcement Division
	23	X	NONE	2. Management Division
	23	X	25 JULY	3. Regional Counsel
	23	X	25 JULY	4. Surveillance & Analysis Di
15	25 JULY	X	27 JULY	D. Acknowledgement to State
15	25 JULY	X	1 AUGUST	E. FR Package
16-26	26 JULY	4 AUGUST	X	F. Division Concurrences (R.D.1.3.1)
	5 AUGUST	X	10 August	1. Enforcement Division
	5	X	16 August	2. Management Division
	5	X	16 August - 24 August	3. Regional Counsel
	5	X	16 August	4. Surveillance & Analysis Di
29	8 AUGUST	16 August	17 AUGUST	G. Regional Administrator
30-37	9 AUGUST	17 August	2 SEPT	H. Office of General Counsel
40	19 AUGUST	7 SEPT	7 SEPT	I. FR
30-65	9 AUGUST	X	28 JULY	J. Pre-Hearing Arrangements
	9 AUGUST	X	31 AUGUST	1. Room
	17 August	X	29 AUGUST	2. Press Release
	15 August	X	15 August	3. Advertisement
	8 SEPT	X	14 SEPT	Paper <u>DETROIT FREE PRESS</u> Date <u>5 SEPT</u>
	9 SEPT	X	9 SEPT - RULES HEAR	4. Court Stenographer
	5 SEPT	X		Agency <u>Manley & Assoc</u>
		X		5. Hearing Officer
		X		6. Public Hearing Testimony
		X		7. Public Hearing Testimony
		X		8. Public Hearing Testimony
70	17 SEPTEMBER	X	7 OCTOBER	K. Public Comments (R.D.1.4.1)
80	27 SEPTEMBER	X	11 NOV.	L. Public Hearing
		X		1. Hearing Transcript

90-day Schedule (Complete when Logged)		Sent	Complete	(Check One and Make Entries as Appropriate)
80	27 SEPTEMBER		18 Nov	M. Division Comments (R.D.1.3) 1. Enforcement Division 2. Management Division 3. Regional Counsel 4. Surveillance & Analysis Division
			7 Dec	
82	29 SEPTEMBER			N. FR Package
86	3 OCTOBER		18 Nov	O. Division Concurrences (R.D.1.3) 1. Enforcement Division 2. Management Division 3. Regional Counsel 4. Surveillance & Analysis Division
	5 OCTOBER			P. Regional Administrator
	6 OCTOBER			Q. Office of General Counsel (R.D.1.3.1)
				R. FR

II. WSR Preliminary Review

Yes	No	N/A	(Check One and Make Entries as Appropriate)
<input checked="" type="checkbox"/>			A. Signature of Designated Official <u>Dr. Reizen</u>
<input checked="" type="checkbox"/>			B. Copy of Statutes
<input checked="" type="checkbox"/>			C. Copy of Rules
<input checked="" type="checkbox"/>			D. AG Opinion Necessary
<input checked="" type="checkbox"/>			1. AG Opinion Received
<input checked="" type="checkbox"/>			E. Program Descriptions
<input checked="" type="checkbox"/>			F. Certification Officer(s) <u>Dr. Williams</u>
<input checked="" type="checkbox"/>			G. Primary Laboratory(ies) <u>Rad. Health Div Lab; Sanitary Prot. & Chem. Lab.</u>
<input checked="" type="checkbox"/>			H. Certification of Primary Laboratory(ies)
<input checked="" type="checkbox"/>			I. 15 Points
<input checked="" type="checkbox"/>			1. IPDWR
<input checked="" type="checkbox"/>			(a) MCL
<input checked="" type="checkbox"/>			(b) Monitoring
<input checked="" type="checkbox"/>			(i) Analytical Method
<input checked="" type="checkbox"/>			(c) Siting
<input checked="" type="checkbox"/>			2. Inventory
<input checked="" type="checkbox"/>			3. Sanitary Survey
<input checked="" type="checkbox"/>			4. Certification of Laboratories
<input checked="" type="checkbox"/>			5. Laboratory Availability
<input checked="" type="checkbox"/>			6. Design and Construction
<input checked="" type="checkbox"/>			7. Coverage
<input checked="" type="checkbox"/>			8. Court Suits and Injunctions
<input checked="" type="checkbox"/>			9. Right-of-Entry
<input checked="" type="checkbox"/>			10. Systems Records and Reports
<input checked="" type="checkbox"/>			11. Public Notice
<input checked="" type="checkbox"/>			12. Penalties
<input checked="" type="checkbox"/>			13. State Records and Reports
<input checked="" type="checkbox"/>			14. Variance and Exemption Procedures
<input checked="" type="checkbox"/>			15. Emergency Plan

III. Division and OGC Comments/Concurrences - 15 Points

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Other	(Make Entries as Appropriate)
															X	<p>None</p> <p>A. Preliminary Comments</p> <p>1. Enforcement Division</p> <p>X 2. Management Division</p> <p>X 3. Regional Counsel</p> <p>4. Surveillance and Analysis Div.</p> <p>5. OGC</p>
															X	<p>Concurrence</p> <p>B. Preliminary Comments</p> <p>X 1. Enforcement Division</p> <p>X 2. Management Division</p> <p>X 3. Regional Counsel</p> <p>4. Surveillance and Analysis Div.</p> <p>5. OGC</p>
																<p>C. Comments</p> <p>1. Enforcement Division</p> <p>2. Management Division</p> <p>3. Regional Counsel</p> <p>4. Surveillance and Analysis Div.</p> <p>5. OGC</p>
																<p>D. Concurrences</p> <p>1. Enforcement Division</p> <p>2. Management Division</p> <p>3. Regional Counsel</p> <p>4. Surveillance and Analysis Div.</p> <p>5. OGC</p>

IV. Public Comments - 15 Points

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Other	(Make Entries as Appropriate)
																1.
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LOG/STATUS SUMMARY

STATE: MICHIGAN

WSB COORDINATOR: NJM

NATURE OF SUBMISSION: NORMAL (X) SPECIAL ()

DESCRIPTION (USE REVERSE OF PAGE IF NECESSARY):

DATE OF SUBMISSION	DATE RECEIVED	DATE RECEIVED IN WD
7 July 77	11 July 77	11 July 77
PROPOSED RULEMAKING		

EVENT	TARGET DATE	ACTUAL DATE	VARIATION
(1) DISTRIBUTION TO PROGRAMS	14 July	14 July	0
(2) ACKNOWLEDGEMENT TO STATE	29 July	27 July	2
(3) FR PACKAGE PREPARED	29 July	4 August	6
(4) SAD CONCURRENCE			
(5) ED CONCURRENCE			
(6) RC CONCURRENCE			
(7) MD CONCURRENCE			
(8) BEG. PUB. COMMENT PERIOD			
(9) END PUB. COMMENT PERIOD			
(10) SAD OFFICIAL COMMENTS REC'D.			
(11) ED OFFICIAL COMMENTS REC'D.			
(12) RC OFFICIAL COMMENTS REC'D.			
(13) MD OFFICIAL COMMENTS REC'D.			
(14) PUBLIC HEARING			

DISTRIBUTION (CIRCLE):

OWS → OGC

ED

S&A

RC

MD

FINAL RULEMAKING			
EVENT	TARGET DATE	ACTUAL DATE	VARIATION
(15) FR PACKAGE PREPARED			
(16) SAD CONCURRENCE			
(17) ED CONCURRENCE			
(18) RC CONCURRENCE			
(19) MD CONCURRENCE			
(20) RA SIGNATURE			
(21) DISTRIBUTION TO HDQTRS			
(22) FR PUBLICATION			

EXPLANATORY NOTES:



WILLIAM G. MILLIKEN, Governor

MAURICE S. REIZEN, M.D., Director

STATE OF MICHIGAN

DEPARTMENT OF PUBLIC HEALTH

3500 N. LOGAN, P.O. BOX 30035, LANSING, MICHIGAN 48909

September 8, 1977

Mr. Joseph F. Harrison, Chief
Water Supply Branch
U. S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

Dear Joe:

During our telephone discussion on Tuesday, August 30, 1977, you indicated that Washington EPA still has some concerns about Michigan's administrative rules relating to variances and exemptions. Of particular concern, as you pointed out, is the rule on the top of Page 8 of Part 5 of the proposed rules entitled, "Duration of exemptions, requests for reissuance".

In correspondence to you dated August 25, 1977, we indicated that no exemptions issued by this Department would be in conflict with the provisions of the interim or revised Federal regulations. However, we agree to modify the proposed rules in accordance with Mr. Larsen's concern relating to our proposed rule which establishes a fixed term for exemptions not to exceed five years, and which provides for the extension of an exemption through reissuance by the Department of Public Health.

Accordingly, we propose to add the following sentence to the rule on Page 8 of Part 5 of the proposed rules entitled, "Duration of exemptions, requests for reissuance":

"Exemptions issued by the Department pursuant to this part shall not be inconsistent in any manner with the provisions of the Federal Act."

You will note in Part 2 of the rules ("Definitions") that "Federal Act" is defined to include U. S. Public Law 93-523 and applicable EPA regulations adopted pursuant to that Act.

18 SEP 1977



"Equal Health Opportunity for All"

Mr. Joseph F. Harrison, Chief

- 2 -

September 8, 1977

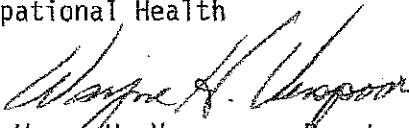
Although we have proposed to amend the proposed rules in this manner, we still question the need for insertion of this additional provision. This is based upon the fact that Section 20 of Act 399, P.A. 1976, (Michigan's "Safe Drinking Water Act") states, "The Department may authorize variances or exemptions from the State drinking water standards in accordance with Public Law 93-523 (1974) and the Federal rules and regulations." (emphasis supplied)

We trust that the inclusion of this language will satisfy the concerns expressed by the Washington Office of U. S. EPA about Michigan's rules. I wish to reiterate to you that final changes to the proposed rules will be made following the public hearings which are scheduled for September 13, 14, and 15, 1977. Therefore, it is imperative that we receive all comments that EPA may have concerning the rules immediately following those public hearings. You are aware that the Michigan rule making process is extremely time consuming, and any rules which are requested or required by EPA after the final date of adoption of our proposed rules will be extremely difficult, if not impossible, to incorporate.

If you have further questions or concerns, please call them to my attention as soon as possible.

Very truly yours,

William A. Kelley, P.E., Chief
Division of Water Supply
Bureau of Environmental and
Occupational Health


By: Wayne H. Verspoor, Deputy Division Chief
for Administration and Management

WHV:ld

cc: William A. Kelley
John E. Vogt
Tom Larsen, U. S. EPA, Washington



WILLIAM G. MILLIKEN, Governor

MAURICE S. REIZEN, M.D., Director

STATE OF MICHIGAN

DEPARTMENT OF PUBLIC HEALTH

3500 N. LOGAN, P.O. BOX 30035, LANSING, MICHIGAN 48909

August 25, 1977

Mr. Joseph F. Harrison, Chief
Water Supply Branch
U. S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

Dear Joe:

I am in receipt of your letter of August 17, 1977, in which you request clarification of portions of our proposed rules which you identify as "areas of concern." I will attempt to provide you with more information on these three rules in the order in which you addressed them in your letter. My responses will be based on the latest draft of the proposed rules dated August 15, 1977, a copy of which is attached.

1. We recognize that the federal regulations provide that, in the case of exemptions, compliance with the interim regulations must be achieved by January 1, 1981. In order to develop a general policy in our rules however, we have included a general provision stating that an exemption granted by the director shall have a fixed term not to exceed five years. We feel that this provision is necessary in case the revised federal regulations provide that exemptions may be granted for longer periods of time. With respect to your concern, however, in accordance with Section 1416 of U.S. Public Law 93-523, we can assure you that for the interim regulations, no schedules in an exemption which may be issued or reissued by this department would be approved to extend past January 1, 1981. Further, in the case of the revised regulations, no schedules in an exemption issued or reissued by this department would be approved to extend for more than seven years after the effective date of the revised regulations, or in the case of a regional public water system, for more than nine years after their effective date. (See Part 5, Page 8 of the Proposed Rules).
2. We will amend the rule on Page 3 of Part 8 of the Proposed Rules entitled, "Alternative Analytical Techniques" to read as follows:

"Rule _____. With the written permission of the department, and upon approval by EPA, an alternative analytical technique may be employed. The use of the alternative analytical technique shall not decrease the frequency of monitoring required by Part 9."
3. We will incorporate in Part 6 of our Proposed Rules relating to Public Notification, language to the effect that public notices "be conspicuous and...not use unduly technical language, unduly small print or other methods which would frustrate the purpose of the notice." We wish to point out, however, that on Page 2 of Part 6 under the Rule entitled "Public Notice Upon Receipt of a Variance or Exemption; Noncommunity Supplies," there is a provision that the owners of noncommunity supplies shall



"Equal Health Opportunity for All"

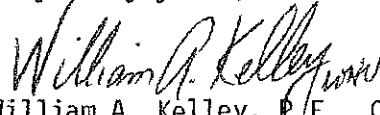
29 AUG 1978

August 25, 1977

provide notice to customers and users by "conspicuous" posting of the notice in a location or locations where it can reasonably be expected to be observed by the customers or users.

I trust that the foregoing explanation and proposals satisfy your concerns with respect to our proposed rules. If you have further questions or comments, please contact me at your earliest convenience. We assume that this clarification will provide you with the ability to publish your notice in the Federal Register without the concerns expressed in your August 17 letter, and that your statement at the public hearing on the proposed rules will reflect concurrence in our approach by EPA.

Very truly yours,

A handwritten signature in dark ink, appearing to read "William A. Kelley". The signature is written in a cursive, flowing style.

William A. Kelley, P.E., Chief
Division of Water Supply
Bureau of Environmental and Occupational
Health

WAK:ae

Attachment

cc: John E. Vogt

cc: Wayne H. Verspoor

cc: Thomas Larsen



WILLIAM G. MILLIKEN, Governor

MAURICE S. REIZEN, M.D., Director

STATE OF MICHIGAN
DEPARTMENT OF PUBLIC HEALTH
3500 N. LOGAN, LANSING, MICHIGAN 48914

July 7, 1977

RECEIVED

JUL 11 1977

Mr. George R. Alexander, Administrator
U. S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

EPA REGION 5
OFFICE OF REGIONAL
ADMINISTRATOR

Dear Mr. Alexander:

Pursuant to the provisions of Section 1413 of United States Public Law 93-523 and Section 142.11 of 40 CFR, Part 142, the Michigan Department of Public Health hereby makes application for primary enforcement responsibility for the Public Water Supply Supervision Program in Michigan.

The State of Michigan has implemented a progressive public water supply program since 1913, and in 1976 the Michigan Legislature expanded the authority of the Department of Public Health to include jurisdiction over all public water supply systems in the state through the enactment of Act No. 399 of the Public Acts of 1976, the State "Safe Drinking Water Act." Michigan's authority over public water supplies now includes all those types of systems which are defined as "public water systems" under P.L. 93-523.

Act No. 399 also authorizes the Michigan Department of Public Health to promulgate administrative rules to implement the provisions of the act. This department is now well along with the preparation of these rules and final adoption and promulgation is expected in October or November, 1977.

Since Act No. 399, P.A. 1976 is now in effect and the administrative rules are well along toward promulgation, Michigan is in a position to assume primacy upon receipt of your determination that the state has primary enforcement responsibility. Accordingly, the attached document represents Michigan's application for primary enforcement responsibility and includes the following:

original: Water



"Equal Health Opportunity for All"

Mr. George R. Alexander, Administrator
Page Two
July 7, 1977

- a. An opinion from the Office of the Michigan Attorney General dated June 29, 1977, and signed by Gregory Taylor, Assistant Attorney General, evaluating Michigan's current statutory authority in light of the requirements of Public Law 93-523 and applicable EPA Regulations.
- b. A discussion of Michigan's public water supply program status with regard to compliance with the 15 requirements for primacy as spelled out by 40 CFR 142.10.
- c. Michigan Act No. 399 of the Public Acts of 1976, the State "Safe Drinking Water Act."
- d. Draft administrative rules of the Michigan Department of Public Health to be promulgated under authority of Act No. 399, P.A. 1976.
- e. Michigan Act No. 294 of the Public Acts of 1965, as amended, the "Ground Water Quality Control Act," and administrative rules promulgated by the Michigan Department of Public Health under authority of that act.
- f. Act No. 390 of the Public Acts of 1976, Michigan law relative to preparation and implementation of the state emergency plan.

Since it is our opinion that the State of Michigan now has the necessary statutory and regulatory authority to receive primary enforcement responsibility, we await your favorable review of our program. We assume this will be accomplished well within the time constraints established in the act. If you have questions regarding this document or should you need additional information relating to our program, please contact Mr. John E. Vogt, P.E., Chief, Bureau of Environmental and Occupational Health of this department.

We look forward to your early consideration of our program and your determination of approval of primacy for the State of Michigan.

Sincerely,



Maurice S. Reizen, M.D.
Director

Enclosure

APPLICATION IS LOCATED

IN

ACCORDIAN FOLDER

FOLLOWING DRAFT RULES IN ACCORDIAN FOLDER:

7/20/17

8/15/17

SD WA 03-8
3-3

SAVE



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

WILLIAM G. MILLIKEN
GOVERNOR

March 12, 1975

Mr. Francis T. Mayo
Regional Administrator
U.S. EPA - Region V
230 South Dearborn Street
Chicago, Illinois 60604

Dear Mr. Mayo:

This is in response to your letter of January 14 re-
garding PL 93-523, the Safe Drinking Water Act.

I am hereby designating Dr. Maurice Reizen, Director
of the Michigan Department of Public Health, and his
staff to carry out this responsibility for the State
of Michigan. While the Department of Public Health
will be the state's lead agency in this field, I should
note that the Michigan Department of Natural Resources
has responsibility over controls required for the
injection of liquids into the ground. For these pur-
poses, Mr. Art Slaughter, Chief of the Geological
Survey Division of the Department of Natural Resources
would be the appropriate contact.

Thank you for the information on this program,

Kind personal regards,

Sincerely,

Governor

July 7, 1977

Mr. George R. Alexander, Administrator
U. S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

Dear Mr. Alexander:

C Pursuant to the provisions of Section 1413 of United States Public Law 93-523 and Section 142.11 of 40 CFR, Part 142, the Michigan Department of Public Health hereby makes application for primary enforcement responsibility for the Public Water Supply Supervision Program in Michigan.

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P Y Act No. 399 also authorizes the Michigan Department of Public Health to promulgate administrative rules to implement the provisions of the act. This department is now well along with the preparation of these rules and final adoption and promulgation is expected in October or November, 1977.

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- d. Draft administrative rules of the Michigan Department of Public Health to be promulgated under authority of Act No. 399, P.A. 1976.
- e. Michigan Act No. 294 of the Public Acts of 1965, as amended, the "Ground Water Quality Control Act," and administrative rules promulgated by the Michigan Department of Public Health under authority of that act.
- f. Act No. 390 of the Public Acts of 1976, Michigan law relative to preparation and implementation of the state emergency plan.

90 days Since it is our opinion that the State of Michigan now has the necessary statutory and regulatory authority to receive primary enforcement responsibility, we await your favorable review of our program. We assume this will be accomplished well within the time constraints established in the act. If you have questions regarding this document or should you need additional information relating to our program, please contact Mr. John E. Vogt, P.E., Chief, Bureau of Environmental and Occupational Health of this department.

We look forward to your early consideration of our program and your determination of approval of primacy for the State of Michigan.

Sincerely,


Maurice S. Reizen, M.D.
Director

Enclosure

cc: John E. Vogt
William A. Kelley
Wayne H. Verspoor
Joe Harrison